

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

ROBERT STORY, JR.,

Plaintiff,

v.

Case No. 3:19-cv-02704-M-BT

BEST WAY TRANSPORTATION INC.,  
*et al.*,

Defendants.

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

The Court has under consideration the Findings, Conclusions, and Recommendation of United States Magistrate Judge Rebecca Rutherford dated August 4, 2020 (ECF No. 34). The Court has reviewed the Findings, Conclusions, and Recommendation for plain error. Finding none, the Court accepts the Findings, Conclusions, and Recommendation of the United States Magistrate Judge.

Defendants' Motion to Dismiss (ECF No. 23) is GRANTED in part and DENIED in part. Plaintiff's civil rights claim under 42 U.S.C. § 1983, his negligence claim under 19 U.S.C. § 1592, and his intentional infliction of emotional distress claim under 18 U.S.C. § 2340 are DISMISSED with prejudice. Plaintiff may amend his FLSA wrongful termination claim and his race discrimination and retaliation claims under Title VII within 30 days of the date of this Order.

**SO ORDERED**, this 26th day of August, 2020.

  
BARBARA M. G. LYNN  
CHIEF JUDGE